

### **REMARKS/ARGUMENTS**

The Office Action of July 27, 2007, has been reviewed and these remarks are responsive thereto. Claims 2, 4-17, 19-32, 42 and 44-65 are pending in this application. By this amendment claims 5, 15, 20, 29, 32, 44, 61, 63 and 65 have been amended and claims 43 and 45 have been cancelled without prejudice or disclaimer. No new matter has been added. Reconsideration and allowance of the instant application are respectfully requested.

#### *35 U.S.C. §112 Rejections*

Claims 2, 6-15, 19-32, 43-45 and 60-65 stand rejected under 35 U.S.C. §112, first paragraph, as allegedly failing to comply with the written description requirement. Claim 30 stands rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite. Applicants have amended the claims to present the claims in a more preferred form, and respectfully request these rejections be withdrawn.

#### *35 U.S.C. §102 and §103 Rejections*

Claims 5, 42, 51-54 and 59 stand rejected under 35 U.S.C. 102(b) as allegedly being anticipated by U.S. patent no. 5,338,117 to Kucksdorf et al. (Kucksdorf). The office action refers to Figs. 22 and 23 and the related description to support these rejections.

Claims 2, 11-15, 43, 45 and 61 stand rejected under 35 U.S.C. 102(b) as allegedly being anticipated by U.S. patent no. 3,300,120 to McColgan (McColgan). The office action refers to Figs. 4-6 and the related description to support these rejections.

Claims 19, 27-29, 31, 62 and 63 stand rejected under 35 U.S.C. 102(b) as being anticipated by U.S. patent no. 6,340,088 to Mouri et al. (Mouri).

Claims 4, 16, 17, 48-50 and 55-58 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Kucksdorf in view of U.S. patent no. 5,593,229 to Warr (Warr).

Claims 46 and 47 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Kucksdorf et al. and Warr, as applied to claim 5, and in further view of U.S. patent no. 6,923,574 to Siegel (Siegel).

Claims 8-10, 19, 21, 24-29, 31, 32, 63 and 65 stand rejected under 35 U.S.C. 103(a) as being unpatentable over McColgan.

Claims 30, 44, 60, 62 and 64 stand rejected under 35 U.S.C. 103(a) as being unpatentable over McColgan and Mouri et al.

Claim 20 stands rejected under 35 U.S.C. 103(a) as being unpatentable over McColgan and U.S. patent no. 2,878,849 to Lingenfelter et al. (Lingenfelter).

Claims 6, 7, 22 and 23 stand rejected under 35 U.S.C. 103(a) as being unpatentable over McColgan and Siegel.

Claims 43 and 45 have been cancelled without prejudice or disclaimer. Reconsideration and allowance of the pending claims are respectfully requested.

Independent claims 5, 15, 29 and 32 each recite subject matter pertaining to the first flap including a stack of panels formed from the first portions of the opposing panels, the first handle is formed by one of a cut and a series of perforations formed through the stack, and the stack of panels includes a double stack of panels formed from the first portions of the opposing panels folded over along a fold line transverse to the longitudinal direction and attached to themselves.

As discussed in the examiner interview, at least this claimed subject matter is not taught or suggested by Kucksdorf. Further, Applicants respectfully submit that this subject matter is not taught by McColgan, which teaches opposing faces 13 and 14 attached to each other via an intervening portion 17 of the bag tucked therebetween. Applicants respectfully submit that this subject matter is not taught by the remaining prior art of record including the U.S. patent no. 6,886,980 to Diplock (Diplock) (filed herewith in an information disclosure statement), which discloses opposing panels attached to each other via an intervening reinforcement layer (see e.g., Fig. 16, callout 415).

Accordingly, Applicants respectfully submit that independent claims 5, 15, 29 and 32, as well as claims 2, 4, 6-14, 16, 17, 19-28, 30, 31, 42, 44 and 46-65 depending therefrom, are allowable over the prior art of record.

*Conclusion*

Based on the foregoing, Applicants respectfully submit that the application is in condition for allowance and a Notice to that effect is earnestly solicited. Should the Examiner believe that anything further is desirable in order to place the application in even better form for allowance, the Examiner is respectfully urged to contact Applicants' undersigned representative at the below-listed number.

Respectfully submitted,

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Dated: October 31, 2007

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